



SENATE SECRETARIAT

Report No. 57

REPORT OF THE SENATE STANDING COMMITTEE ON LAW AND JUSTICE



**“THE CONSTITUTION (AMENDMENT) BILL, 2017
(AMENDMENT OF ARTICLE 153)” INTRODUCED BY
SENATOR BARRISTER MURTAZA WAHAB AND
SALEEM MANDVIWALA, ON 23RD OCTOBER, 2017**

PRESENTED BY

**Senator Muhammad Javed Abbasi
Chairman SSC on Law and Justice**

SENATE SECRETARIAT


REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON "THE CONSTITUTION (AMENDMENT) BILL, 2017"

I, Chairman of the Standing Committee on Law and Justice, have the honour to present report on "The Constitution (Amendment) Bill, 2017 (Amendment of Article 153)" introduced by Senators Barrister Murtaza Wahab and Saleem Mandviwala, on 23rd October, 2017. The Bill, upon introduction, was referred to the Standing Committee for consideration and report.

2. The composition of the Standing Committee on Law and Justice is as under:-

1.	Senator Muhammad Javed Abbasi	Chairman
2.	Senator Aitzaz Ahsan	Member
3.	Senator Saleem Zia	Member
4.	Senator Farooq Hamid Naek	Member
5.	Senator Syed Muzafar Hussain Shah	Member
6.	Senator Nehal Hashmi	Member
7.	Senator Ms. Ayesha Raza Farooq	Member
8.	Senator Nawabzada Saifullah Magsi	Member
9.	Senator Dr. Muhammad Ali Khan Saif	Member
10.	Senator Mrs. Zahida Khan	Member
11.	Senator Syed Asif Saeed Kirmani	Member
12.	Senator Barrister Murtaza Wahab	Member
13.	Minister for Law and Justice	Ex-Officio Member

3. The Committee considered the Bill in its meetings held on 7th November and 18th December, 2017, under the Chairmanship of Senator Muhammad Javed Abbasi. Final consideration of the Bill was held in the meeting dated 18th December, 2017, which was attended by the following members:-


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- i. **Senator Muhammad Javed Abbasi**
 - ii. Senator Ayesha Raza Farooq
 - iii. Senator Barrister Murtaza Wahab

4. Senator Barrister Murtaza Wahab, Mover briefed the Committee that "Council of Common Interest is a Constitutional body created for the purposes of taking all decisions with regard to Part-II of the Legislative Lists. The spirit behind establishing such a Constitutional body is to ensure a meaningful consultative process between the Federal and Provincial Governments in the decision making process in respect of matters mentioned in Part-II of Federal Legislative List. It is therefore expedient to amend the Constitution of the Islamic Republic of Pakistan as the Provinces are not given adequate representation in the Council and this amendment will strengthen the Federation".

5. The Ministry of Law and Justice opposed the bill in the following terms:-

"The Bill titled the Constitution (Amendment) Bill, 2017 is a Private Member's Bill and has been moved by Senator Murtaza Wahab and Senator Saleem Mandviwala. The Bill seeks to amend Article 153 of the Constitution of the Islamic Republic of Pakistan. It seeks to add proviso to clause (2) of Article 153 *ibid* to provide that the members nominated by the Prime Minister shall be one from each Province other than the Province from which the Prime Minister is elected as member of the National Assembly. It is pointed out that the Constitution, especially regarding the constitution of the Council of Common Interest, has been recently and by consensus amended through the Constitution (Eighteenth Amendment) Act, 2010 (X of 2010). The proposed amendment may, therefore, be opposed."

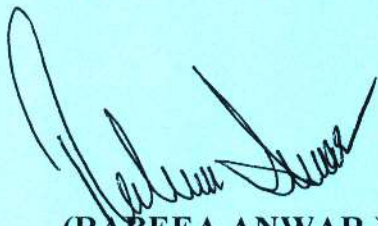
6. The Ministry of Inter Provincial Coordination supported the proposed Constitutional amendment and informed the Committee that after the 18th Amendment and till August, 2017, there remains a practice of nominating three Members from Provinces other than the province from where the Prime Minister belongs in order to ensure equal representation of all provinces. He further informed that till date all decisions of CCI have been taken with consensus without going into a situation where voting is required. He also informed that the matter of four Members belonging to the Province of Punjab was never raised on the forum of CCI. There is no bar in the Constitution or in the Rules of CCI that a Minister holding a specific portfolio be nominated by the Prime Minister for the composition.



7. Ministry of Law and Justice informed that at the time of drafting of the 18th Constitutional Amendment, all Members agreed on an unwritten convention that three Members will be from other three provinces and not from the one to which the Prime Minister will belong; this convention remained enforced till August, 2017.

8. Members were supportive of providing a Constitutional provision to ensure equal provincial representation in the Council of Common Interests, therefore, all Members presented voted in favour of the Bill.

9. Accordingly, the Committee recommends that "The Constitution (Amendment) Bill, 2017 (Amendment of Article 153)", as introduced in the Senate, may be passed. (Copy of Bill is annexed).



(RABEEA ANWAR)
J.S / Secretary Committee



(SENATOR MUHAMMAD JAVED ABBASI)
Chairman

[AS INTRODUCED IN THE SENATE]

A

Bill

further to amend the Constitution of the Islamic Republic of Pakistan

WHEREAS it is expedient further to amend the Constitution of the Islamic Republic of Pakistan, in the manner, hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act may be called the Constitution (Amendment) Act, 2017.

(2) It shall come into force at once.

2. Amendment of Article 153 of the Constitution.- In the Constitution of the Islamic Republic of Pakistan, in Article 153, in clause (2), in paragraph (c), for the full stop occurring at the end a "colon" shall be substituted and thereafter the following proviso shall be inserted, namely: -

"Provided that the members nominated by the Prime Minister shall be one from each Province other than the Province from where the Prime Minister was elected as a Member of the National Assembly."

STATEMENT OF OBJECTS AND REASONS

Council of Common Interests is a Constitutional body created for the purposes of taking all decisions with regard to Part-II of the Legislative Lists. The spirit behind establishing such a Constitutional body is to ensure a meaningful consultative process between the Federal and Provincial Governments in the decision making process in respect of matters mentioned in Part-II of the Federal Legislative List. It is therefore expedient to amend the Constitution of the Islamic Republic of Pakistan as the Provinces are not given adequate representation in the Council and this amendment will strengthen the Federation.

**SENATOR BARRISTER MURTAZA WAHAB
SENATOR SALEEM MANDVIWALA
MEMBERS-IN-CHARGE**